



Oakland County

4695 GRANGE HALL ROAD
HOLLY, MICHIGAN 48442

(248) 634-4152

(248) 627-3585

(248) 634-1351 FAX

January 31, 2000

Re: *Ex Parte* Letter RE: Cases WT 99-217; CC 96-98

Enclosed are two (2) copies of an ex parte presentation of the above-referenced proceeding.

Sincerely,



Robert DePalma, Supervisor
Groveland Township

RD/js
Enclosures

Fig. 1. *Phragmites* distribution in the coastal zone of the Black Sea.

OK



GROVELAND TOWNSHIP

Oakland County

4695 GRANGE HALL ROAD
HOLLY, MICHIGAN 48442

(248) 634-4152

(248) 627-3585

(248) 634-1351 FAX

January 31, 2000

State Representative Ruth Johnson
46th District
George Romney Bldg. – Suite 811
P.O. Box 30014
Lansing, MI 48909-7514

Re: House Bill 4804

Dear Representative Johnson:

Please oppose the municipal right of way sections of House Bill (a rewrite of the Michigan Telecommunications Act, or MTA). These sections would take away much of the municipalities' ability to control the rights of way when telephone companies install new lines. The current right of way provisions of the MTA reflect a legislative compromise reached in 1995 to protect municipalities and their residents while allowing rapid construction of new phone lines. The Bill is unnecessary and harmful to the public.

Local control of the streets and highways is essential to protect the public safety. Local units of government issue the permits for work in the rights of way and try to prevent problems and ensure that only reputable companies with adequate insurance coverage work there. Oakland County provides a good example of what can happen if municipal control is ignored – This summer MCI installed a phone line in Oakland County without obtaining necessary permits or local approvals. It broke a 42 inch water main which shut down water service to a 36 square mile area. Daimler-Chrysler headquarters and hundreds of schools and businesses in the area were forced to close. Thousands of people were without water for several days. Losses are in the millions of dollars.

Compliance with permit requirements might have prevented the problem. For example, many municipalities are now installing sophisticated computer mapping systems (geographic information systems) to closely keep track of who is where in the rights of way to help prevent accidents like this from occurring.

January 31, 2000

Page 2

A related problem is that any time the pavement is cut it reduces the life of a highway. Municipalities work with providers to ensure that service is provided while reducing the number of excavations and cuts. You know how Michigan residents complained loudly in recent years about the state of our highways. We have to have meaningful local control of the highways to make them last in good shape as long as possible. As the fees paid by the phone companies to use the streets help compensate for the reduction in useful life and earlier repaving which they cause.

Municipalities worked with the legislature in 1995 to obtain provisions in the MTA that require all telecommunications companies to obtain permits before using the rights of way; give municipalities 90 days to act on permit application; allow permits to be granted, denied or conditioned based upon successfully applied these principles and balanced competing concerns for eight years. Zoning has not unnecessarily impeded technology or the development of our economy, nor will it here. There is simply no basis to conclude that for a brand-new technology (wireless fixed telephones) with a minuscule track record that there are problems on such a massive scale with the 38,000 units of local government in the U.S. as to warrant Federal action.

On rights of way, local management of them is essential to protect the public health, safety and welfare. Congress has specifically prohibited you from acting in this area.

We believe the telephone providers' complaints about right-of-way management and fees are overblown, as shown by the small number of court cases on this-only about a dozen nationwide in the three years since the 1996 Act. With 38,000 municipalities nationwide and thousands of phone companies This number of cases shows that the system is working, not that it is broken.

January 31, 2000
Page 3

Finally, we are surprised that you suggest that the combined Federal, state and local tax burden on new phone companies is too high. The FCC has no authority to affect state or local taxes any more than it can affect Federal taxes.

For these reasons please reject the proposed rule and take no action on rights of way and taxes.

Sincerely,



Robert DePalma, Supervisor
Groveland Township

RD/js
Cc:

Mr. John W. LaRose
Executive Director
Michigan Townships Association
P.O. Box 80078
512 Westshire Drive
Lansing, MI 489008-0078

Ms. Pat McAvoy
Michigan Townships Association
P.O. Box 80078
512 Westshire Drive
Lansing, MI 48908-0078

Mr. Daniel Gilmartin
Michigan Municipal League
State and Federal Affairs Division
320 North Washington Square
Suite 110
Lansing, MI 48933—1288

Mr. William C. Mathewson
General Counsel
Michigan Municipal League
1675 Green Road
P.O. Box 1487
Ann Arbor, MI 48106-1487

Mr. Patrick McCollough
Kelley Cawthorne
120 N. Washington Square
Suite 1050
Lansing, MI 48933